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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,957	01/15/2002	Klein A. Rodrigues	1991.ALC	5375

7590

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EXAMINER

MRUK, BRIAN P

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/047,957

Applicant(s)

RODRIGUES ET AL.

Examiner

Brian P Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 15 recites the limitation "said solution" in line 1. There is insufficient antecedent basis for this limitation in the claim. The examiner notes that instant claim 12, from which claim 15 depends on, does not contain the term "solution". The examiner suggests that the term "solution" should be amended to recite "formulation" to provide proper antecedent basis. Appropriate correction and/or clarification is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-10 and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Duccini et al, EP 812,905.

Duccini et al, EP 812,905, discloses a dishwashing detergent tablet comprising 0.3-5% by weight of a hydrophilic/hydrophobic polymer, 0-20% by weight of a phosphate builder, and adjunct ingredients (see abstract and page 2, lines 31-56). Specifically, note Example 1, which discloses a dishwashing tablet comprising 35% by weight of sodium citrate dihydrate, 8% by weight of carbonate, 10% by weight of perborate, 3% by weight of TAED, 4.5% by weight of polyacrylic acid, 1% by weight of a nonionic surfactant, 38-38.5% by weight of bicarbonate, and 0.5% by weight a tableting aid (see page 3, lines 1-21). Furthermore, note that a suitable tableting aid includes a copolymer of styrene, 2-hydroxyethylacrylate, and methacrylic acid (see page 3, Table 1), and that the dishwashing table is used in a process to wash dishes and silverware (see page 4, line 19-page 5, line 48). Therefore, instant claims 1-10 and 12-17 are anticipated by Duccini et al, EP 812,905.

6. Claims 1-2, 4-11, and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bory et al, U.S. Patent No. 5,747,442.

Bory et al, U.S. Patent No. 5,747,442, discloses a laundry pretreater composition in stick form comprising 0.1-10% by weight of a hydrophobically modified polar polymer which has a hydrophilic backbone, 30-80% by weight of a nonionic surfactant, 5-20% by weight of an anionic soap, and enzyme stabilizing system (see abstract and col. 1, line 65-col. 2, line 9). It is further taught by Bory et al that the backbone includes a single monomer, such as acrylic acid, and that the hydrophobic tail includes a second

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monomer, such as lauryl methacrylate or styrene (see col. 2, line 26-col. 3, line 36).

Specifically, note Examples 1 and 3. Therefore, instant claims 1-2, 4-11, and 16-17 are anticipated by Bory et al, U.S. Patent No. 5,747,442.

7. Claims 1-2, 4-10, and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimpton et al, U.S. Patent No. 5,650,473.

Kimpton et al, U.S. Patent No. 5,650,473, discloses a fabric or hard surface cleaning composition comprising a copolymer of acrylic acid and styrene (see col. 2, line 18-col. 3, line 25), and adjunct ingredients, such as surfactants (see col. 4, lines 62-65). Specifically, note Examples 4-8, which disclose powder detergents comprising a copolymer of acrylic acid and styrene, builders, nonionic surfactants, and adjunct ingredients, for washing dishes, fabrics and aluminum surfaces. Therefore, instant claims 1-2, 4-10, and 12-17 are anticipated by Kimpton et al, U.S. Patent No. 5,650,473.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (703) 305-0728. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone

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number for the organization where this application or proceeding is assigned is (703) 872-9310 (Before Final) and (703) 872-9311 (After Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

BPM

Brian Mruk  
September 17, 2003

*Brian P. Mruk*  
Brian P. Mruk  
Patent Examiner  
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